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PATENT
Attorney Docket No. 203-1544 CIP CON III (1695 CIP CON3)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS: Dominick L. Mastri et al. EXAMINER: Scott A. Smith
SERIAL NO: 09/625,886 GROUP: 3721
FILED: July 26, 2000 DATE: January 25, 2005
FOR: SURGICAL STAPLER

See copy

Mail Stop: Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**PETITION UNDER 37 C.F.R. §1.182 OR IN THE ALTERNATIVE,
37 C.F.R. §1.78 (a)(3), TO ACCEPT AN UNINTENTIONAL DELAYED
CLAIM UNDER 35 U.S.C. §120 FOR THE BENEFIT OF A PRIOR
FILED APPLICATION**

Dear Sir:

Applicants hereby petition for the benefit of earlier filed U.S. application Serial No. 08/546,253 ("253 application") which was filed October 20, 1995 and was inadvertently omitted from the original claim for priority. The entire delay between the date the claim for priority was due and the date the claim for priority was filed was unintentional. Submitted with this petition is an amendment to the above-identified application including the reference to the '253 application required under 35 U.S.C. §120.

CERTIFICATE OF MAILING 37 C.F.R. § 1.8(a)

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, postage paid in an envelope, addressed to: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on January 25, 2005.

Christopher G. Trainor
Christopher G. Trainor

02/04/2005 AWONDAF1 00000104 210550 09625886

01 FC:1454 1370.00 DA
Adjustment date: 04/15/2005 AKELLEY
02/04/2005 AWONDAF1 00000104 210550 09625886
01 FC:1454 1370.00 CR

Please charge the surcharge set forth in 37 C.F.R. §1.17(h) of \$130.00 as required under 37 C.F.R. §1.182 to Deposit Account No. 21-0550. In the alternative, if this petition is properly filed under 37 C.F.R. §1.78(a)(3), please charge the surcharge set forth in 37 C.F.R. §1.17(t) of \$1,370.00 to Deposit Account No. 21-0550.

The Commissioner is authorized to charge any deficiency as well as any other fee(s) which may become due under 37 C.F.R. §1.16 and/or §1.17 at any time during the pendency of this application, or credit any overpayment of such fee(s) to Deposit Account 21-0550. TWO (2) COPIES OF THIS SHEET ARE ENCLOSED.

Respectfully submitted,

Christopher C. Trainor

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UNITED STATES PATENT & TRADEMARK OFFICE
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REQUEST FOR PATENT FEE REFUND											
1 Date of Request: <u>4/14/05</u>		2 Serial/Patent # <u>09/625,886</u>									
3 Please refund the following fee(s):		4 PAPER NUMBER	5 DATE FILED	6 AMOUNT							
	Filing			\$							
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			\$ 1370. ⁰⁰								
8 TO BE REFUNDED BY:											
		Treasury Check									
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10 REASON:											
	Overpayment										
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<input checked="" type="checkbox"/>	No Fee Due (Explanation):										
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11 REFUND REQUESTED BY:											
TYPED/PRINTED NAME: <u>Derek L. Woods</u>		TITLE: <u>Attorney</u>									
SIGNATURE: <u>[Signature]</u>		PHONE: <u>571-272-3232</u>									
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